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**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

#12

In re application of: Birkhoelzer et al.

Serial No.: 09/994,309

For: "APPARATUS AND METHOD FOR DETERMINING AN INDIVIDUALLY ADAPTED, NON-PREFABRICATED TRAINING UNIT"

3/2/04
B. Boss

Filed: November 26, 2001

Group Art Unit: 3714 Confirmation No. 8632 Examiner: John Sotomayor

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

Applicant or patent owner hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 20, 2003 of the Examiner finally rejecting claims 1-6

The item(s) checked below are appropriate:

1. ☒ An extension of time to respond to the final rejection was obtained on January 22, 2004 for 2 months.
2. ☒ An extension of time to respond to the rejection dated August 20, 2003 for three (3) month(s) so that the period is extended from November 20, 2003 to February 20, 2004 is hereby requested under 37 CFR 1.136.
3. ☒ Appeal fee amount: ☐ \$165.00 ☒ \$330.00
 - a. ☒ Extension of Time Fee **\$530.00 Enclosed (Balance for 3 mo. extension; \$420.00 fee was previously paid for a 2 mo. extension)**
 - b. ☐ Charge to Deposit Account No. 501519 (One additional copy of this Notice enclosed herewith).

Any deficiency or overpayment should be charged or credited to Deposit Account No. 501519. A duplicate copy of this sheet is enclosed.

Signature (37 CFR 1.191(b)) Steven H. Noll (Reg. No. 28,982)

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 20, 2004.

Steven H. Noll

Name of Applicant's Attorney

Steven H. Noll

Signature

February 20, 2004

Date

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02-FC:1253

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